

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE DRH10300-RKz-38* (03/05)

Short Title: DV Victim Assistance.

(Public)

Sponsors: Representative McLawhorn.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROVIDE DOMESTIC VIOLENCE VICTIMS WITH INFORMATION
AND ASSISTANCE AND TO STUDY A STATEWIDE AUTOMATED
NOTIFICATION SYSTEM FOR PERSONS WITH DOMESTIC VIOLENCE
PROTECTIVE ORDERS, AS RECOMMENDED BY THE JOINT LEGISLATIVE
COMMITTEE ON DOMESTIC VIOLENCE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 15A-831 reads as rewritten:

"§ 15A-831. Responsibilities of law enforcement agency.

(a) As soon as practicable but within 72 hours after identifying a victim covered by this Article, the investigating law enforcement agency shall provide the victim with the following information:

- (1) The availability of medical services, if needed.
- (2) The availability of crime victims' compensation funds under Chapter 15B of the General Statutes and the address and telephone number of the agency responsible for dispensing the funds.
- (3) The address and telephone number of the district attorney's office that will be responsible for prosecuting the victim's case.
- (4) The name and telephone number of an investigating law enforcement agency employee whom the victim may contact if the victim has not been notified of an arrest in the victim's case within six months after the crime was reported to the law enforcement agency.
- (5) Information about an accused's opportunity for pretrial release.
- (6) The name and telephone number of an investigating law enforcement agency employee whom the victim may contact to find out whether the accused has been released from custody.

1 (7) The informational sheet described in G.S. 50B-3(c1), if there was a
2 personal relationship, as defined in G.S. 50B-1(b), with the accused.

3 (b) As soon as practicable but within 72 hours after the arrest of a person
4 believed to have committed a crime covered by this Article, the arresting law
5 enforcement agency shall inform the investigating law enforcement agency of the arrest.
6 As soon as practicable but within 72 hours of being notified of the arrest, the
7 investigating law enforcement agency shall notify the victim of the arrest.

8 (c) As soon as practicable but within 72 hours after receiving notification from
9 the arresting law enforcement agency that the accused has been arrested, the
10 investigating law enforcement agency shall forward to the district attorney's office that
11 will be responsible for prosecuting the case the defendant's name and the victim's name,
12 address, date of birth, social security number, race, sex, and telephone number, unless
13 the victim refuses to disclose any or all of the information, in which case, the
14 investigating law enforcement agency shall so inform the district attorney's office.

15 (d) Upon receiving the information in subsection (a) of this section, the victim
16 shall, on a form provided by the investigating law enforcement agency, indicate whether
17 the victim wishes to receive any further notices from the investigating law enforcement
18 agency on the status of the accused during the pretrial process. If the victim elects to
19 receive further notices during the pretrial process, the victim shall be responsible for
20 notifying the investigating law enforcement agency of any changes in the victim's name,
21 address, and telephone number."

22 **SECTION 2.** The North Carolina Domestic Violence Commission, in
23 consultation with the North Carolina Coalition Against Domestic Violence, the North
24 Carolina Attorney General's Office, and the Governor's Crime Commission, shall study
25 the adoption of a statewide automated victim notification system for persons who have
26 received a protective order under Chapter 50B of the General Statutes. As part of its
27 study of this issue, the Domestic Violence Commission shall review:

- 28 (1) Automated notification systems used in other state jurisdictions to
29 notify protective order holders of critical dates, e.g., the date the
30 respondent, if incarcerated, will be released from custody.
- 31 (2) Data, if any, on the effectiveness of other state systems.
- 32 (3) The current statewide system which provides automated notice to
33 crime victims (SAVAN), to determine if it could be enhanced to
34 include the proposed system.
- 35 (4) Sources of grant funding that are available to implement the system.
- 36 (5) Methods utilized for registering into the system, and whether the
37 information should be accessible to the general public, in addition to
38 the person or persons protected by the order.
- 39 (6) Methods to ensure that information relating to the respondent of an
40 order is uploaded in a timely manner and to confirm that notification
41 has been sent to registrants.

42 The North Carolina Domestic Violence Commission shall report with the
43 results of its study, and any recommendations, to the Joint Legislative Committee on
44 Domestic Violence and the General Assembly on or before January 1, 2009.

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SECTION 3. This act becomes effective July 1, 2008.